

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-3784SI

United States of America,

Appellee,

v.

Duane Maulding,

Appellant.

*
* On Appeal from the United
* States District Court
* for the Southern District
* of Iowa.
*
* [Not To Be Published]
*
*

Submitted: October 31, 2001

Filed: November 8, 2001

Before HANSEN, RICHARD S. ARNOLD, and FAGG, Circuit Judges.

PER CURIAM.

Duane Maulding pleaded guilty to conspiring to distribute and possess with intent to distribute cocaine in violation of 21 U.S.C. § 846, and to using, carrying, and possessing a firearm in relation to a drug offense in violation of 18 U.S.C. § 924(c)(1). The District Court¹ sentenced him to seven years and seven months (eighty-nine months) imprisonment on the drug count, a consecutive term of five years (sixty months) imprisonment on the firearm count, and concurrent supervised

¹The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa.

release terms of four years and three years, respectively. On appeal, Maulding's counsel has moved to withdraw under Anders v. California, 386 U.S. 738 (1967), submitting a brief raising one issue for appeal; Maulding was invited to file a pro se supplemental brief, but he has not filed one.

Having thoroughly reviewed the record, we conclude that, in accordance with the appeal-waiver clause in his plea agreement, Maulding knowingly and voluntarily waived his right to appeal his conviction and sentence. When receiving Maulding's guilty plea, the District Court carefully questioned him about the appeal waiver, and was given his unequivocal assurances that he understood the waiver and that it was his own voluntary decision to waive his appeal rights. See United States v. Berberich, 254 F.3d 721, 724 (8th Cir. 2001), petition for cert. filed (U.S. Sept. 24, 2001) (No. 01-6574).

Accordingly, we enforce the appeal waiver, dismiss this appeal, see id. at 725, and grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.